

1906-051
Lee Co.

Chancery Causes: James Sargent vs. Minnie D. Sargeant

Dean, Bowman, Sargent

CA-Divorce

T-Vices

Migration

To the Hon. N. A. W. Skeen, Judge of the Circuit Court of Lee County Virginia:

Humbly complaining, Your orator, James Sargeant of the county of Lee and State of Virginia respectfully shows unto the court, That he is now, and has been for more than one year last past, a resident of said county and State.

Your orator further shows That on or about the - day of June, 1898, at Beck Springs in the aforesaid county and State, your orator was duly and legally married to Minnie Sargeant, the defendant herein, by Rev. Arthur Ely and that the name of the defendant previous to said marriage was Minnie Dean.

And your orator further shows unto the court, That after said marriage your orator and said defendant lived and cohabited together as husband and wife for about three weeks thereafter, when said defendant on the - day of July, 1898, wilfully, and without any reasonable or just cause therefor, deserts and abandons your orator, and your orator further alleges and charges that said defendant, at the time aforesaid left the State of Virginia, with one Henry Bowman for parts unknown to your orator, ^{and that the defendant committed adultery with Henry Bowman, in} and from the time aforesaid to the present day, (for a period of about 8 years) your orator has never seen or heard of the whereabouts

Spoken and shown at a day stated near Plaintiff residence shortly before she left the State

of said Defendant.

And your orator avers that the acts done and the cause of divorce charged in this bill, for which divorce is sought, were done without the consent, connivance, privity, or procurement of your orator, and that this bill is not grounded on, or exhibits in consequence of any collusion, agreement, or understanding whatever between the parties thereto, or between your orator and any other person.

Forasmuch, therefore, as your orator is without remedy in the premises, except in a court of equity and the said Defendant having been made party Defendant thereto by due process of law, the prayer of your orator is that a decree be rendered, for the dissolving the bonds of matrimony heretofore existing between your orator and this Defendant, and he will ever pray.

James Sargent

By counsel

James Sargant

no } bill

Minnie Sargant

Filed Aug. 21, 1906-

H.C. T. Ewing, Clerk.

1906 2nd Aug. Rules
Bill filed &
contd. for O.P.
" 1st Sept. Rules
O.P. completed
& cause set
for hearing.

Costs: Clerk \$ 5.11

Tax

1.50 Pl.

Printer

3.00

Comrs.

1.50
\$10.11

Atty.

15.00
\$25.11

1900 to 10

James Sargent }
vs } Decree for divorce
Minnie Sargent }

This cause, in which the plaintiff appears to have proceeded against the Defendant by order of Publication, in the mode prescribed by law against absent defendants, and she still failing to appear and answer, came on this day to be heard upon the bill and examinations of witnesses, and was argued by counsel for plaintiff. On consideration whereof, the court being of the opinion that the charge of adultery against the defendant is fully proved, doth adjudge, order and decree that the marriage heretofore solemnized between James Sargent and Minnie Sargent be, and the same is hereby dissolved, ^{and} the said James Sargent forever divorced from his wife. And the cause is ordered to be stricken from the docket.

James Sargent
ex decree
Minnie Sargent

Enter this

Dec. 19th 1906

H. C. W. Sargent

Entered in C.O.B.
8, page 246

The deposition of Margaret Sargent taken before me Geo.P. Ordilin, & Commissioner in Chancery for the Circuit Court of Lee County, Virginia, on the 7th day of December, at my office in the town of Jonesville, Virginia, which deposition is intended to be read as evidence in behalf of the plaintiff in a certain suit in chancery now pending in the Circuit Court of Lee County, Virginia, in which James Sargent is plaintiff Minnie Sargent is defendant.

Present: W.K.Hopkins, atty for plaintiff.

Margaret Sargent, a witness of lawful age being first duly sworn deposes as follows:

Q.-- What is your age and where do you reside?

A.-- I am 60 years old, and I reside at Pennington Gap, Va.

Q.2.-- Are you acquainted with James Sargent and Minnie Sargent, and if so how long have you known them, and where does the plaintiff live?

A.-- I am acquainted with said parties, and have known them all their lives, James Sargent is my son, and he lives at Pennington Gap, Lee County, Virginia, and he has lived in this County all his life.

Q.3.-- Are the plaintiff and defendant now living together as man and wife, and if not, when did they separate?

A.-- They are not living together now. They separated about seven years ago.

Q.4.-- How long had they been married when they separated, and where did they last reside together.

A.-- They had been married about three months. All the time they lived together they lived at my house on Hardys Creek in this County, and they last resided together there.

Q.5.-- You have stated that they are not living together now, please state why they are not if you, know, where the defendant now is, and the circumstances attending her leaving her husband's home.

A.-- The plaintiff and the defendant resided together at my house as I have stated above, and at one time the plaintiff went to Kentucky for a few days on a trading trip, one night while he was away, I got up from my bed and found that the defendant had gotten out of the bed near mine in which she had been sleeping and I found her in another bed with a man, I made them get out of the house. She came back the next day and begged me to let her come back and promised to do

better if I would. She also begged me not to tell her husband of her misconduct. I agreed to let her come back, and I did not tell her husband of the matter, because I knew it would create trouble and disgrace. A short time later my son again went to Kentucky for a few days, and five men came to my house and she went away with them to some hay stacks near by and there satyed all night with them. Henry Bowman, Tim Speaks and Bird Gobble were three of these men, I didn't remember the names of the other two men. She again begged me to say nothing of this, and I again agreed to do so by her promising to do better in the future. When her husband came home, some one told him something about it, and he came and asked her about it, accusing her of being guilty of adultery with these men, and she admitted the facts to him, and he then told her that he would not live with her longer. She then left my house, and I was informed soon afterwards left the state with the said Henry Bowman. Henry Bowman was a negro. I have never seen the defendant since that time but have been informed that she lives somewhere in Kentucky.

Q.6.-- Please state if you know if the plaintiff connived^{at} or in any way consented to or procured the commission of the ~~xxx~~ guilty acts by the defendant?

A.-- He had no knowledge of it until the time I have stated above when he asked his wife about it, and nothing of that sort was done with his knowledge or consent. He was good to the defendant up to that time and provided for her all that she needed.

And further this deponent saith not. *her*

Margaret X Sargent
mark

Virginia, Lee County, to-wit:

I, Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia do certify that the foregoing deposition of Margaret Sargent, was taken sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 7th day of Dec. 1906.

Geo. P. Cridlin
Commissioner in Chancery.

James Sargent
vs. {depositions
Minnie Sargent
Filed Dec. 7, 1906.

H. C. F. Ewing, Clerk

Court. fee \$1.50 ^{paid}

In the Clerk's Office of the Circuit Court of the County of
Lee

James Sargent,

Plaintiff ,

against

Minnie D. Sargent,

Defendant .

This day W.K. Hopkins personally appeared
before me W.E. Flanary, Deputy Clerk of the said Court,
and being duly sworn, made oath that Minnie D. Sargent

defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 23 day of July, 1906.

W.E. Flanary, D. Clerk

James Sargent

vs.

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AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Minnie D. Sargent

W.K. Hopkins, p. q.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 28th
day of July, 1906,

James Sargent,

against

Plaintiff

In Chancery.

Minnie D. Sargent,

Defendant

The object of this suit is to obtain a divorce from the bonds
of matrimony heretofore contracted and now
existing between said parties.

And an affidavit having been made and filed that the defendant, Minnie D. Sargent is
not ^a resident of the State of Virginia, it is ordered that she do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Runnington
News and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

W. K. Hopkins, p. q.

M. C. Ewing, Clerk.
By M. C. Ewing, D.C.

James Sargent

vs.

}

ORDER OF
PUBLICATION

Minnie D. Sargent

Virginia, Lee County, to-wit:

I, H.C. Ewing, Clerk of
The Circuit Court for the
County aforesaid, in the
State of Virginia, do
certify that I posted a
true copy of the within
order of publication at
the front door of the Court-
house of this County, on
this day.

Given under my hand,
this July 28th, 1906.

H.C. Ewing,
Clerk.

ORDER OF PUBLICATION

In the Clerk's Office of the Circuit
Court of the county of Lee,
on the 23th., day of July,
1906,

JAMES SARGENT Plaintiff.

against

INNIE D. SARGENT Def.

In Chancery.

The object of this suit is to obtain a divorce from the bonds of matrimony heretofore contracted and now existing between said parties.

And an affidavit having been made and filed that the defendant, Minnie D. Sargent is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Pennington News and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Test:

H. C. T. Ewing, Clerk

By M. E. Flanary, D. C.

W. K. Hopkins, p. c.

I hereby certify that the
enclosed order of Publication
of James Sargent vs Minnie
Sargent was published for
four successive weeks, ~~in~~
beginning on the 27th
day of July, 1906, and ending
on the 17th day of August, 1906,
in the Pennington News, a
weekly newspaper, published
in Lee County Virginia.
Given under my hand
on this 7th day of Decem-
ber, 1906.
W. K. Hopkins, Editor.

James Sargent
vs. { ^{certificate} Order of Publication
Minnie Sargent
Pub. fee \$3⁰⁰